


MEMORANDUM

July 13, 2004

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: LESTER J. TOLNAI 
Principal Deputy County Counsel
Management Services Division

RE: Lan Ficht v. County of Los Angeles
OAAC # : IN04-0169

DATE OF
INCIDENT: March 2002

AUTHORITY
REQUESTED: \$50,000.00

COUNTY
DEPARTMENT: Department of Community and Senior Services

CLAIMS BOARD ACTION:



Approve



Disapprove



Recommend to Board of
Supervisors for Approval




ROCKY ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on July 19, 2004

SUMMARY

This is a recommendation to settle for \$50,000, the Office of Affirmative Action Compliance (OAAC) charge filed by Lan Ficht, a long time employee of the Department of Community and Senior Services (CSS), who has asserted claims that she has been the victim of sexual harassment by a senior manager in the Department

LEGAL PRINCIPLES

An employer is strictly liable for unlawful sexual discrimination by a supervisor under State and Federal law, which entitle a claimant to recover damages and his or her attorney's fees and costs.

SUMMARY OF FACTS

Ms. Lan Ficht has been employed by the Department of Community and Senior Services since 1992. In 2003, the Department initiated an investigation of a departmental manager following charges that the manager had engaged in sexual harassing conduct towards another employee in the Department.

Although that investigation was concluded as unfounded, the interviews of other employees led to the disclosure of Ms. Ficht's charges.

Ms. Ficht alleges that from early 2002 until early 2004 she was subjected to that senior manager's frequent inappropriate sexual advances. She voluntarily transferred to other assignment to avoid as much as possible being in that manager's presence. His continuing conduct caused Ms. Ficht severe emotional distress.

DAMAGES

If this matter were to go to trial, Ms. Ficht could seek damages for severe emotional distress, costs and attorney's fees.

The potential exposure to the County of Los Angeles, including attorney's fees if Ms. Ficht prevails, is in excess of \$250,000.

The proposed settlement provides that the Department will make every effort to promote Ms. Ficht, a very highly regarded employee, if there is an available vacancy and Ms. Ficht is in a reachable band. The Department will also pay for Ms. Ficht's weekly psychological counseling for a period of one year.

Finally, the Department will pay Ms. Ficht damages in the amount of \$50,000. Ms. Ficht has agreed to fully release the County and its agents or employees from all liability for these occurrences.

STATUS OF CASE

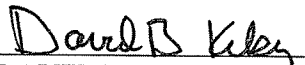
Ms. Ficht's OAAC charges allege sexual harassment by her employer. A lawsuit has not yet been filed in this matter. The tentative settlement was reached following a full day's mediation. The County has paid the costs for the mediation, which was arranged through the auspices of the OAAC.

EVALUATION

The settlement of this case at the early mediation stage is the result of aggressive intervention by the OAAC and the Office of County Counsel. Were this matter to go to trial, there is a significant risk of liability for the County. This early intervention has resolved this difficult case without incurring any defense costs.

The Department has taken appropriate administrative action as to the manager in question. We join with Community and Senior Services and with the Office of Affirmative Action Compliance in recommending this settlement.

APPROVED:



DAVID B. KELSEY
Assistant County Counsel
Management Services Division

DBK:mag